



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

SYNGENTA BIOTECHNOLOGY INC
PATENT DEPARTMENT
P.O. BOX 12257
RESEARCH TRIANGLE PARK, NC 27709-2257

COPY MAILED

AUG 02 2002

OFFICE OF PETITIONS

In re Application of
Erica J. Pascal et al
Application No. 10/087,167
Filed: October 24, 2001
Attorney Docket No. 50018A

:
:
:
:
:

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed May 7, 2002, requesting that the above-identified application be accorded a filing date of October 24, 2001 rather than the presently accorded filing date of March 1, 2002.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on October 24, 2001. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt no. ET327549134US, showing a Date-In of October 24, 2001. The same Express Mail receipt number appears on the copy of the original transmittal letter submitted with the present petition. Applicants request that the application be accorded a filing date of October 24, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 24, 2001.

The petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to Initial Patent Examination Division for correction of the filing date to October 24, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects